

INTERNAL REVENUE SERVICE

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(202) 622-3050

CC:DOM:P&SI:1-COR-103199-00

UILC 1362.00-00

March 29, 2000



We are responding to your correspondence requesting relief in order to establish May 27, 1997, as the effective date for your S corporation election. We are unable to respond to your request in its current form. However, we are furnishing the following general information relating to your request.

According to the Instructions for Form 2553, the service center will generally notify a taxpayer within 60 days after the election is filed whether the election is accepted and when it will take effect. Further, these Instructions inform taxpayers that care must be taken to ensure the IRS receives the election, suggesting follow-up action within three months of the date of filing.

Announcement 97-4 (copy enclosed) provides guidance on seeking relief for late S corporation elections and inadvertent invalid S corporation elections. Generally, to request relief for a late or invalid S corporation election you must request a private letter ruling from the National Office. The procedures for requesting a private letter ruling are set out in Revenue Procedure 2000-1 (copy enclosed). In addition, Rev. Proc. 2000-1 requires taxpayers to submit a user fee along with their ruling request. The standard user fee for a private letter ruling is \$5,000. However, taxpayers with gross income of less than \$1 million on their last-filed tax return qualify for a **reduced user fee** in the amount of \$500. If you are eligible to use the reduced fee provision you must include the statement described in § (B)(1)(b) of Appendix A with your request. Please review Appendix B for a sample format for requesting a private letter ruling.

If you decide to submit a formal request for a private letter ruling, please explain why your Form 2553 was filed late, provide documents supporting your intention to be an S corporation from inception, and include the proper user fee. Please refer your request to our office by adding the following to the address:

Attn: CC:DOM:CORP:T
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044

Direct to: CC:DOM:P&SI:Br.1
Room 5002

Please keep this letter with your tax records and feel free to provide a copy of it to your authorized representative. We hope that the above information proves helpful.

Sincerely yours,

Signed/Dianna K. Miosi
DIANNA K. MIOSI
Chief, Branch 1
Office of the Assistant Chief Counsel
(Passthroughs and Special Industries)

Enclosures:
Announcement 97-4
Rev. Proc. 2000-1